

The Computer Law Committee of the [IP Section of the State Bar of California](#), along with
Townsend and Townsend and Crew LLP,
invite in-house counsel, private practice lawyers, IP Section members,
the Townsend community and software executives to the
in-person & telephonic Seventh and Eight Computer/Internet Roundtables

OPEN SOURCE: NEW SOURCE FOR LITIGATION LIABILITY? RISKS IN THE WORLD OF SCO, LINUX AND OPEN SOURCE

a seminar by:

Jason Wilson - Willenken Wilson Loh & Stris LLP
Richard C. Hsu - Townsend and Townsend and Crew LLP
Michael Krieger - UCLA Computer Science Department

May 17, 2004 - PALO ALTO (No telephonic option)
Light snack @ 5:00 p.m., Program @ 5:30 - 6:30 p.m.
Townsend and Townsend and Crew LLP
390 Lytton Avenue (Conference Room E)
Palo Alto, CA 94301

May 18, 2004 - SAN FRANCISCO (Telephonic and in-person attendance)
Lunch @ 12:00 p.m., Program @ 12:30 - 1:30 p.m.
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor (Embarcadero Conference Room)
San Francisco, CA 94111

Maps to the offices are at

<http://www.townsend.com/offices/default.asp>

- * Refreshments are complementary for in-person attendees
- * In-person attendance is limited so please register early
- * Admission is complementary, but e-mail registration/RSVP is required
- * (For May 18 ONLY) Conference call-in (800) will be provided for remote participants
- * **1 Hour of MCLE Credit**

ABSTRACT

Open source (OS) as an alternative to Microsoft-like development and licensing has grown into a mainstream issue in recent years. With the filing of Caldera Systems, Inc. d/b/a/ SCO Group v. IBM Corp. (complaint at <http://www.sco.com/scosource/complaint3.06.03.html>)

SCO brought real risk, potential liability and litigation into the Linux and OS worlds. Exposure that was previously conjectural (the few suits filed had settled early) became all the more real as SCO made good on threats to IBM's Linux users by suing Daimler-Chrysler and AutoZone.

An increasingly adopted software paradigm -- spanning entertainment to industrial controls -- OS licensing and development holds both promise and perils for the uninitiated, whether programmers or general counsel. Yet, Linux -- poster-child of the OS movement and widely used operating system for devices like cell-phones -- has increasingly unseated Windows on corporate desktops, a trend accelerated by IBM's Linux evangelism. Like a gathering lightning storm, SCO's aggressive posture -- thought by some to be supported by Microsoft -- has created fear and uncertainty among potential corporate Linux users and their counsel.

Today's seminar, after a background in OS origins and licensing, will explore the potential litigation risk to companies using open source software internally and in products. Likewise, it will treat the basis, status, and potential of the various SCO lawsuits with an eye toward how to best protect one's clients from liability.

BIOGRAPHIES

Jason H. Wilson, a partner in Willenken Wilson Loh & Stris LLP (Los Angeles), has extensive experience litigating and trying patent and other technology matters during the past 17 years. He frequently writes and speaks on issues of trial and litigation assessment in technology cases. He previously was at Morgan Lewis & Bockius. Jason is a graduate of Pomona College (B.A.), Harvard Law School (J.D. cum laude), and clerked for the 9th Circuit, first for Judge O'Scannlain and two years later for Judge Tang.

Richard C. Hsu, a partner and Chair of the Technology Licensing Practice at Townsend and Townsend and Crew LLP (Palo Alto), counsels and provides companies advice on all licensing transactions and associated intellectual property issues. He has extensive experience in licensing, development, acquisitions, service and other partnering agreements for a variety of industries. Mr. Hsu also provides strategic intellectual property advice and advises clients on innovative business strategies. A frequent lecturer on licensing and intellectual property issues, Mr. Hsu has published a book on patents (Fairmont Press 1997) and written articles for the New York Times, International Legal Strategy, Communications of the ACM and the Los Angeles Business Journal.

Michael M. Krieger has practiced computer law for nearly 20 years, focusing on preventive and strategic litigation issues. Involved in cryptology, technology transfer, Internet and open source issues since they emerged, he has assisted clients ranging from startups to international corporations. Michael graduated Caltech (B.S.) and UCLA (Ph.D.) in mathematics and then spent 10 years on the MIT and UCLA faculties prior to earning a J.D. at UCLA. He was at Bronson Bronson & McKinnon and continues to practice while teaching law and business courses in UCLA's Computer Science Department.

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REGISTRATION INFORMATION

If you plan to attend the Roundtable, whether in person or via telephone, **please RSVP to rsvp_licensing@townsend.com with the information below.** The teleconference number will be emailed to call-in attendees after registration. Conference call attendees will receive materials by e-mail prior to the roundtable to the extent available.

SPECIFY A CONFERENCE DATE: MAY 17 (Palo Alto, in-person ONLY) or May 18 (San Francisco, in-person or telephonic) The conference call on May 18 will commence at 12:30 pm.

NAME:

TITLE:

COMPANY:

PHONE:

EMAIL:

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The Computer/Internet Law Roundtable is a periodic gathering of those interested in the ever-evolving law of computers, the Internet and a chance to learn of recent legal developments, explore the effects of technology advances and exchange experiences and ideas about litigation, legislation and policy. All lawyers and non-lawyers alike are welcome.

Michael D. Scott, Roundtable Co-Chair; Professor, Southwestern University Law School

Michael M. Krieger, Ph.D., Chair; Computer Law Committee, Krieger Law Offices; UCLA Computer Science Department, mkrieger239@earthlink.net

This is an event of the Computer Law Committee of the Intellectual Property Section of the State Bar of California. The Intellectual Property Section of the State Bar of California is a State Bar of California approved MCLE provider. The Computer/Internet Roundtable is graciously hosted by Townsend and Townsend and Crew LLP.

Those wishing to join the IP section of the State Bar, please send a message to complawcomm@earthlink.net or contact the Intellectual Property Section of the State Bar of California at 415.538.2375/fax 415-538-2368 or online at <http://www.calbar.ca.gov/ipsection>.